

## REMARKS

Claims 1-41 and 50-57 are pending in this application. Claims 1, 6, 9, 10, 16-18, 23, 36, and 55 have been amended, and claims 42-49 have been cancelled.

### Summary of Telephone Interview

Applicants wish to thank Examiners Jones and Hall for the courtesies extended during the telephone interview on June 3, 2008. Proposed amendments were sent to the Examiner on April 23, 2008, but were not entered before the mailing of the Office Action. (*See* “Proposed Amendments to the Claims” appended to Office Action.) These proposed amendments were discussed during the telephone interview. The amendments submitted herewith include the proposed amendments discussed during the telephone interview. As such, Applicants respectfully submit that the restriction required in the Office Action has been rendered moot.

According to the Interview Summary dated June 5, 2008, “Examiners agreed that the proposed draft claim amendments appear to render the restriction requirement moot since the claims would be obvious variants thereof.” While Applicants agree that the amendment renders the restriction moot, Applicants do not agree that the amended independent claims are obvious variants of each other. When considering the amended claims, Applicants do not believe that there would be a serious search and examination burden on the Examiner, because:

(a) The inventions have not acquired a separate status in the art, as they are all classified in class 463, subclass 27 according to the Examiner (*See* Office Action, p. 2, line 11-p.3, line 2);

(b) The inventions have not acquired a separate status in the art as they are not directed to divergent subject matter;

(c) The inventions do not require a different field of search, particularly as they are all classified in class 463, subclass 27 according to the Examiner (*See* Office Action, p. 2, line 11-p.3, line 2);

(d) The prior art applicable to one invention would likely be applicable to another invention; and

(e) The inventions are unlikely to raise different non-prior art issues under 35 U.S.C. § 101 and/or 35 U.S.C. § 112, first paragraph.

**Election/Restrictions**

The Office Action requires restriction of the claims under 35 U.S.C. § 121 to one of the following four inventions: I. Claims 1-15 and 50-53, drawn to a pay table or payout amount update subcombination; II. Claims 16-35, 54-57, drawn to a pay table or payout amount update combination; III. Claims 36-41, drawn to a method of updating a pay table or payout amount based on winning or non-winning outcomes; and IV. Claims 42-49, drawn to an apparatus that updates a pay table or payout amount based on collections of plural gaming machines and different updated groups of pay table or payout amounts associated with winning outcomes. (*See* Office Action, p. 2, line 11-p.3, line 2.)

The claims have been amended to render the restriction requirement moot as all claims now require wager inputs from a plurality of gaming terminals. In particular, independent claim 1 has been amended to recite that “portions of wager inputs from a plurality of gaming terminals are incrementally added to a majority of said payout amounts, said wager inputs from a plurality of gaming terminals including said local wager input and other wager inputs being received from players playing wagering games at said other gaming terminals.” Independent claim 10 has also been amended to recite that “said gaming terminal being coupled to other gaming terminals” and “said payout amount being continuously displayed as said payout amount is being increased, said other wager inputs being received from players playing wagering games at said other gaming terminals.” In addition, independent 36 recites “a first player at one of the at least one gaming terminals not achieving one of said plurality of winning outcomes in one of said sessions” and “a second player at another of the at least one gaming terminals achieving one of said plurality of winning outcomes in another of said sessions.”

Pursuant to the discussions with the Examiner, claims 42-49 related to Group IV have been cancelled.

Accordingly, Applicants respectfully request entry of the claim amendments and withdrawal of the restriction requirement.

If the restriction requirement is not withdrawn with entry of the amendments, however, Applicants respond fully to the Office Action by electing invention II. Applicants respectfully submit that claims 16-35 and 54-57 are readable on the elected invention II.

**CONCLUSION**

It is the Applicants’ belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are

any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. The Commissioner is hereby authorized to charge any additional fees required, except for issue fees, or credit any overpayments to Deposit Account No. 50-4181 for the above identified docket number.

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Respectfully submitted,

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